

**MINUTES OF A MEETING
OF THE
BOARD OF ADJUSTMENTS
OF THE
TOWN OF BUENA VISTA, COLORADO
January 12, 2010**

CALL TO ORDER

A meeting of the Board of Adjustments was called to order at 6:33 PM, Tuesday, January 12, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Joel Benson, Robert Flint, Keith Baker, Duff Lacy, Brett Mitchell, Town Administrator Sue Boyd, Town Attorney Lee Phillips, Town Planner Shannon Haydin and Town Clerk Diane Spomer. Trustee Nyberg was absent.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

NEW BUSINESS

APPROVAL OF THE JUNE 9, 2009, MINUTES

Motion #1 by Trustee Flint, seconded by Trustee Baker, to approve the minutes of June 9, 2009. Motion carried.

PUBLIC HEARING – TO CONSIDER AN APPEAL REQUEST FROM LEWANA BEST, BEST HEALTHCARE LLC, ON A DECISION TO DENY A PERMIT FOR SIGNS LOCATED AT PREMIER HOME CARE AT 430 CEDAR AVENUE

Mayor Russell opened the Public Hearing at 6:34 PM to hear an appeal from Best Healthcare LLC on a decision to deny a permit for signs located at Premier Home Care at 430 Cedar Avenue and noted the hearing is being conducted pursuant to Section 16-43 of the Buena Vista Municipal Code. Town Planner Shannon Haydin noted when the signs went up Lisa Malde, Code Compliance Officer at the time, sent letters to Lewanna indicating the need for a sign permit application and we received one after the November 1 deadline. Free standing and monument signs are not allowed under the new sign code, we did not want to perpetuate certain signs on Main Street and they would not be allowed in the B1 Zone District; in retrospect there are all kinds of B1 Zones not just on Main Street and this needs to be revisited by P&Z within the next month or so with a recommendation if they choose, monument signs will be allowed. Shannon provided a site plan, noted the Cedar Street ROW is 70' and Court Street is 75' wide; the ROW encroaches far into the property and the sign is in the ROW. We are here tonight on an appeal for relief from the code; there are two free standing signs on the property and staff is recommending approval with the execution of a license agreement.

Mayor Russell opened the public comment portion of the hearing at 6:40PM.

Lewanna Best, owner of Premier Homecare, gave a brief history of the business, noted the services they provide, was not aware of restrictions nor of the sign code that was approved; with new home construction next door the office is obstructed and without the sign it is difficult to find their office; they have a landscape plan to present at a later time.

With no other comments received Mayor Russell closed the comment portion of the hearing at 6:42 PM. Discussion followed on the subject property is a corner lot; there do not appear to be any obstructions because of the sign; lot is partially landscaped; if approved it could set a precedent on Cedar Street; a

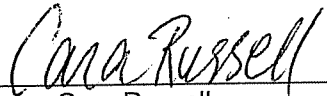
comprehensive mailing went to business owners on Oct. 21 for the new sign code; special use permit not required if there are no clients coming into the office; if Court and Cedar are widened the license agreement will address this issue; change language and allow by right or special review; reviewing the parking code later and encouraging business downtown; sign permit is \$50 and an appeal is \$25 with a \$150 License Agreement fee.

Motion # 2 by Trustee Baker, seconded by Trustee Flint, to approve the request to allow the signs to remain on the property with the execution of a license agreement as recommended by staff. Motion carried.

ADJOURNMENT

Motion #3 by Trustee Benson, seconded by Trustee Mitchell, noting that there being no further business to come before the Board declared that the meeting be adjourned at 6:51 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer